

Ishan K. Bhabha

Co-Managing Partner

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Areas of Focus

Appellate and Supreme Court

Organizational Values and Strategy Task Force

Education

Technology

India



Overview

Selected as the firm's Co-Managing Partner in January 2025, Ishan is regarded as one of the nation's preeminent lawyers for institutions of higher education and large corporations and organizations facing challenges with significant financial, operational, or reputational risk. Ishan is a go-to lawyer for organizations, senior executives, and boards of directors facing their most difficult and high-stakes challenges. In addition to co-leading the firm, Ishan is a member of the firm's Policy Committee and a Co-Chair of the firm's Education Practice and its Organizational Values and Strategy Task Force.

Ishan specializes in commercial, constitutional, and regulatory disputes and has successfully litigated cases in numerous state and federal courts, as well as arguing before the US Supreme Court. He has substantial arbitration experience and also represents his clients before administrative agencies and in government investigations. Ishan frequently advises public company boards on critical issues of strategic, ethical, and regulatory risk.

Ishan's clients include leading educational institutions, Fortune 500 companies, and late-stage venture-backed technology companies. Ranked by *Chambers* as a Nationwide Band 1 practitioner in Higher Education, Ishan has counseled numerous colleges and universities on issues including discrimination and free speech, race-conscious admissions, athletics, Title IX, and research funding. He has represented institutions in large-scale antitrust and COVID-related class actions with multibillion-dollar potential liability, and is also a member of the National Association of College and University Attorneys (NACUA). Likewise, Ishan has advised and defended technology companies on free speech issues, commercial litigation, and government investigations. He regularly consults on how disruptive technologies will be assessed under existing regulatory structures.



I help institutions of higher education and companies solve their most complex constitutional, regulatory and commercial issues, whether through strategic counseling or by winning in litigation.”

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- Organizational Values and Strategy Task Force
- Education
- Technology
- India
- First Amendment and Content Moderation
- Middle East

Representative Matters

Higher Education

- Successfully defended the Massachusetts Institute of Technology in a major Title VI lawsuit related to the institution’s response to the attacks of October 7, 2023, and advising numerous institutions on their anti-discrimination and free speech policies.
- Counseling numerous institutions—from large research universities to smaller liberal arts colleges—on issues regarding race and college admissions and represented all Ivy League institutions and other universities in an amicus brief concerning affirmative action in the US Supreme Court.
- Representing an Ivy League institution in a putative class action claiming antitrust violations arising from the financial aid and admissions issues.
- Represented numerous institutions of higher education from the Ivy League and ACC in COVID-19-related matters, including the defense of putative class actions seeking tuition and fee refunds in light of the transition to virtual learning, and counseling on testing and contact tracing protocols, re-opening considerations, and CARES Act issues.
- Successfully defended numerous Big Ten, Big 12, Ivy League, and ACC institutions in Title IX lawsuits regarding both students and faculty and in First Amendment challenges to the institutions bias response policies.
- Represented an Ivy League institution and a major technology company, from the district court through to the Supreme Court, in a successful defense of the Deferred Action for Childhood Arrivals (DACA) program from the district court through to the US Supreme Court; and represented more than 100 institutions of higher education

in amicus briefs regarding various immigration-related issues including the termination of DACA and the Optional Practical Training visa program.

- Counseled numerous institutions of higher education on issues related to college athletics including compensation for student athletes, concussion liability, and represented an ACC school in a hearing before the NCAA Committee on Infractions.

Technology and Corporate Litigation

- Represented numerous technology major companies in cases involving multistate litigation, breach of contracts, content moderation policies on First Amendment grounds, and IPOs, and provided counseling on operational considerations and litigation risk from proposed “right to repair” legislation.
- Successfully litigated one of the first major cases related to Special Purpose Acquisition Vehicles (SPAC) in the U.S. District Court for the Southern District of New York on behalf of a NASDAQ-listed technology company.
- Arbitrated a multi-million dollar investment dispute between a major financial services institution and a large retailer.

Additional Appellate

- Argued before the US Supreme Court for the petitioner in *Biestek v. Commissioner of Social Security*.
- Argued before the United States Court of Appeals for the Seventh Circuit for the appellee in *Speech First Inc. v. University of Illinois*; for the petitioner in *Clark v. Lashbrook*; for the appellant in *Isby v. Brown*; for the petitioner in *Duncan v. Owens*; and for the appellant in *Bryant v. United States*.
- Argued before the United States Court of Appeals for the DC Circuit for the appellant in *Murphy v. Executive Office for United States Attorneys*.

Credentials

Admissions

- District of Columbia, 2013
- New York, 2010

Education

- Harvard Law School, JD, *magna cum laude*, 2009
- Harvard College, BA, *magna cum laude*, 2004

Court Admissions

- US Supreme Court, 2015
- US Court of Appeals, First Circuit, 2020
- US Court of Appeals, Second Circuit, 2011

- US Court of Appeals, Third Circuit, 2020
- US Court of Appeals, Fourth Circuit, 2019
- US Court of Appeals, Sixth Circuit, 2019
- US Court of Appeals, Seventh Circuit, 2013
- US Court of Appeals, Ninth Circuit, 2014
- US Court of Appeals, Tenth Circuit, 2010
- US Court of Appeals, Eleventh Circuit, 2019
- US Court of Appeals, District of Columbia Circuit, 2010
- US District Court, District of Columbia, 2014
- US District Court, Eastern District of Michigan, 2018
- US Bankruptcy Court, District of Columbia, 2014
- New York Supreme Court, Appellate Division, First Judicial Department, 2010
- US Tax Court, 2019

Clerkships

- Hon. Anthony M. Kennedy, US Supreme Court, 2011-2012
- Hon. Merrick B. Garland, US Court of Appeals, District of Columbia Circuit, 2009-2010

Service / Recognition

Awards

- Capital Pro Bono Honor Roll, 2022, 2024-2025
- JD Supra Readers' Choice Awards, "Top Author," Education, 2024
- *Chambers USA*, Higher Education (Nationwide), 2024-2026
- *The National Law Journal*, Rising Star, 2021
- *Bloomberg Law*, They've Got Next: 40 under 40, 2021
- *Law360*, Rising Star, Appellate, 2019

Industry

- *Law360* Diversity & Inclusion Editorial Advisory Board, 2023